

Dept of Interior Reviews: Advisory Councils and 27 National Monuments on the block

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Suspension of RACs and DAC meetings

WAY BACK IN MAY the **Department of Interior (DOI)** suspended all meetings of **BLM's** advisory boards and councils, including 220 **Resource Advisory Councils (RACs)** and the **Desert District Advisory Council (DAC)** in California. The councils were established by the **Federal Land Policy and Management Act**, or **FLPMA**, (43 U.S.C.. 1701 et seq) as a citizens' advisory group in 1976. Inadequate public engagement in some regions was said to have prompted the review and temporary suspension of activities. (Have to say, **BLM** field offices in southern California work hard to make the **DAC** a productive channel of communication with the public.)

National Monuments review

The same reason – lack of public engagement – was cited for justifying a review of 27 national monuments (**NM**) designated under authority of the **Antiquities Act of 1906** (Pub.L. 59–209, 34 Stat. 225, 54 U.S.C. § 320301–320303) by presidents **Clinton**, **Bush**, and **Obama**. The purported lack of public involvement prior to the designations was criticized as executive overreach, notwithstanding the explicit discretionary authority given under the **Antiquities Act**, so **DOI** was expected to recommend shrinking some or all of the monuments, or even abolishing the protective designations altogether.

President Trump has publicly advocated transferring control of federal lands to the states, which would enable them to use their discretion to greenlight commercial development and stimulate

jobs creation for local economies. In general, state representatives, as well as county supervisors tend to support ceding control to their jurisdictions.

On June 30th, in a letter to **Secretary Zinke**, 17 House Republicans, including California representatives **Paul Cook** (8th district), **Darrell Issa** (49th district), and **Tom McClintock** (4th district), advocated eliminating nine monuments and reducing the size of 14 others.[1] **ALAA** has supported the recommendation.

Size matters

Secretary Zinke's review focused on monuments with large footprints – over 100,000 acres. In California, likely targets for downsizing include **Giant Sequoia** (328,315 acres) and **Mojave Trails** (1.6 million acres). The **Tulare County Board of Supervisors**, in a 3-2 vote, supported **Rep. McClintock** (R-Bakersfield) in advocating reduction of **Giant Sequoia** to 90,000 acres.[2] Home to 38 of the 39 sequoia groves in existence, critics say the reduction would cut deeply into the protective buffer zone surrounding them.

Regarding **Mojave Trails**, **House Majority Leader Kevin McCarthy** (R-Bakersfield) and **Rep. Paul Cook** (R-Inyo, Mono, and most of San Bernardino Counties) favor reducing it significantly, while **Senator Dianne Feinstein** (D-CA), who asked **President Obama** to create the monument, wants it to remain intact. **Rep. Cook** wants to scale back **Mojave Trails** by at least 500,000 acres to benefit mining and other economic interests, notably Cadiz Inc., which proposes to tap the aquifer beneath the monument, and pipe it to Orange County.[3] Prior to

- 1.) Available online at: <https://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/documents/6.30.17%20Final%20letter%20to%20Zinke%20Antiquities%20Review.pdf> or short URL: <https://goo.gl/u5xYBr>
- 2.) The Porterville City Council voted against the reduction despite strong local public support of preserving the monument, see the op-ed by retired USFS district ranger Tom Kuekes, available online at: <http://www.sfchronicle.com/opinion/openforum/article/There-s-no-support-to-shrink-Giant-Sequoia-11270838.php> or short URL: <https://goo.gl/A6tcvr>
- 3.) The proposed Cadiz Water Project was discussed in the May 2017 issue of *The Pegmatite*, available online at: <http://www.sdmg.org/articles/201705/the-rime-of-the-mojave-mariner-sdmg-pegmatite-201705.pdf> or short URL: <https://goo.gl/Nvq6if>; a comment letter opposing the Cadiz Project was submitted to Rep. Cook and Secretary Zinke by the

the monument designation, 600,000 acres that are now within the monument's boundaries had been approved for renewable energy projects, so **Mojave Trails** may be scaled back by as much as one-third. Recreational users should not expect access to revert to what they enjoyed previously – fences will go up around all the new-built facilities.

RACs/DAC & Monument status – pending

By now, **DOI** has established a consistent pattern of actions that contradicts its stated motives and objectives – its review process has lacked precisely the public engagement and transparency that was said to justify the advisory council review in the first place. According to **BLM**, **DOI's** review is expected to conclude sometime in September, and guidance should be forthcoming. That means the earliest the **DAC** meetings may convene again will be in October. In the meantime, behind closed doors and out of public view, land use policy planning is being conducted without public scrutiny or input.[4]

Secretary Zinke submitted his final report on the national monuments review to the president on August 24th. Only a summary was made available to the public, so details of **Zinke's** recommendations are not known currently. If **BLM** has been briefed, the agency isn't saying. **DOI** released a summary of the report, which reiterates what **Zinke** has said publicly previously – he recommends reducing the size of “a handful” of monuments, and none should be abolished. No one knows how the recommendations will influence the president's actions.

What is known is that **DOI** issued a preliminary report in June that recommended downsizing **Bears Ears** and **Grand Staircase-Escalante**, both in

Utah. In July and early August, **Zinke** recommended making no boundary changes to several monuments, including **Grand Canyon-Parashant** in Arizona, **Upper Missouri River Breaks** in Montana, **Canyons of the Ancients** in Colorado, **Craters of the Moon** in Idaho **Hanford Reach** in Washington, and **Sand to Snow** in California.

What is also known is that conservation and public advocacy groups are pledging legal action, if the president attempts to cut back or eliminate any of the monuments by executive order. Legal precedents dating to 1907 have upheld presidential prerogative to create or enlarge national monuments under the **1906 Antiquities Act**. The statute contains no explicit language about abolishing or downsizing a national monument, and no past president has ever attempted anything close to what **President Trump** is now contemplating.

Many legal experts think amending existing statutes, including giving the president explicit authority to reduce or eliminate national monuments, can only be undertaken by Congress enacting new legislation. Conservation and public advocacy groups are bound to fight strenuously, whether it's Congress or the president who attempts to undo the protective designations.

How events unfold in the coming months is anyone's guess, but one takeaway from **Secretary Zinke's** monument review sends a clear message about the intensity of current public sentiment on the issue: 2.9 million letters were submitted during the comment period – more than for any other issue – ever.[5] Public support is overwhelmingly in favor of preserving or adding more national monuments, with 99% of the letters supporting preservation, expansion, or addition.[6]

author (LT) and co-signers, available online at: https://lthoresen.com/pdfs/Cadiz_Water_Project_Zinke_Cook_letter_Oppose_20170731.pdf or short URL: <https://goo.gl/TPGUcj>

- 4.) A critical assessment of the monuments review process appeared in Coachella Valley's *Desert Sun* on August 24th, available online at: <http://www.desertsun.com/story/news/environment/2017/08/24/california-national-monuments-trump-zinke/593759001/> or short URL: <https://goo.gl/ttG96H>
- 5.) The author (LT) and co-signers to a comment letter on the NM review advocated in favor of retaining them while also requesting accommodation in NM management plans for recreational activities, including rockhounding, available online at: https://lthoresen.com/pdfs/DOI-2017-0002-0001_NM_review_comment_ltr_1k1-8xg3-6ix9.pdf or short URL: <https://goo.gl/ug26aA>
- 6.) L. Parker. 24 August 2017. Interior Asks to Shrink National Monuments—Here's What That Means. *National Geographic*. Available online at: <http://news.nationalgeographic.com/2017/08/trump-shrinks-national-monuments-zinke-interior-report-public-lands/> [Accessed 29 August 2017.] or short URL: <https://goo.gl/C3p7hV>